

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:)	Case No. 19 B 24950
)	
LUCITA E. WILLIAMS,)	Chapter 13
)	
Debtor.)	Hon. A. Benjamin Goldgar

**NOTICE OF MOTION OF AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL TO MODIFY AUTOMATIC STAY AND CO-DEBTOR STAY**

VIA ELECTRONIC NOTICE:

To: Glenn B. Stearns (Trustee) 801 Warrenville Road, Suite 650 Lisle, Illinois 60532	David M. Siegel, Esq. (Debtor's Counsel) David M. Siegel & Associates 790 Chaddick Drive Wheeling, Illinois 60090
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VIA U.S. MAIL:

To: Lucita E. Williams (Debtor) 1727 Seymour Avenue North Chicago, Illinois 60064	Leon Williams (Co-Debtor) 1727 Seymour Avenue North Chicago, Illinois 60064
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PLEASE TAKE NOTICE that on the June 12, 2020 at 9:30 a.m., or as soon thereafter as counsel may be heard, I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in his/her stead, and present the *Motion of AmeriCredit Financial Services, Inc., d/b/a GM Financial to Modify Automatic Stay*, a copy of which is attached.

This Motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the Motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this Motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the Motion will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the Motion in advance without a hearing.

Respectfully submitted,
AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL,
Creditor,

David J. Frankel (Ill. #6237097) Cari A. Kauffman (Ill. #6301778) Rocio Herrera (Ill. #6303516) Sorman & Frankel, Ltd. 180 North LaSalle Street, Suite 2700 Chicago, Illinois 60601 (312) 332-3535 / (312) 332-3545 (facsimile)	By: <u>/s/ Cari A. Kauffman</u> One of its attorneys
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named persons by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at Chicago, Illinois 60616 on May 28, 2020, before the hour of 5:00 p.m.

/s/ Cari A. Kauffman

**IN THE UNITED STATES BANKRUPTCY COURT
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In Re:) Case No. 19 B 24950
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LUCITA E. WILLIAMS,) Chapter 13
)
Debtor.) Hon. A. Benjamin Goldgar

**MOTION OF AMERICREDIT FINANCIAL SERVICES, INC., D/B/A
GM FINANCIAL TO MODIFY AUTOMATIC STAY AND CO-DEBTOR STAY**

AMERICREDIT FINANCIAL SERVICES, INC., D/B/A GM FINANCIAL (“AmeriCredit”), a creditor herein, by its attorneys, the law firm of Sorman & Frankel, Ltd., respectfully requests this Court, pursuant to Sections 362 and 1301 of the Bankruptcy Code, 11 U.S.C. §§362, 1301 (West 2020), and such other Sections and Rules may apply, to enter an Order modifying the automatic stay and co-debtor stay provided therein. In support thereof, AmeriCredit states as follows:

1. On September 4, 2019, Lucita E. Williams (“Debtor”) filed a Voluntary Petition for Relief under Chapter 13 of the Bankruptcy Code. Thereafter, on February 11, 2020, Debtor filed an Amended Chapter 13 Plan, which provides for direct payments from Debtor to AmeriCredit on AmeriCredit’s secured claim, and which was confirmed on February 21, 2020.
2. AmeriCredit is a creditor of the Debtor and another individual, Leon Williams (“Co-Debtor”), with respect to a certain indebtedness secured by a lien upon a 2017 Chevrolet Impala motor vehicle bearing a Vehicle Identification Number of 2G1105S36H9193015 (the “Vehicle”). (See Ex. “A”).

3. As set forth in the Retail Installment Contract attached as Exhibit "A", Debtor and Co-Debtor were required to tender equal monthly payments to AmeriCredit, each in the sum of \$557.88 with an interest rate of 0.00%. (See Ex. "A").

4. Debtor and Co-Debtor have failed to make required payments to AmeriCredit due on and after December 13, 2019, resulting in a current default of \$2,920.92; the next payment of \$557.88 comes due on June 13, 2020.

5. The current total outstanding balance due to AmeriCredit from the Debtor and Co-Debtor for the Vehicle is \$14,432.85.

6. Debtor and Co-Debtor have failed to provide AmeriCredit or its counsel with proof of a valid full coverage insurance policy for the Vehicle identifying AmeriCredit as the lienholder/loss payee.

7. As such, AmeriCredit seeks relief from the automatic stay and co-debtor stay so that AmeriCredit may take possession of and sell the Vehicle and apply the sale proceeds to the balance due from Debtor and Co-Debtor.

8. Debtor has not offered, and AmeriCredit is not receiving, adequate protection for its secured interest or depreciating value. Further, Debtor has no equity in the Vehicle and the Vehicle is not necessary to an effective reorganization by Debtor.

9. AmeriCredit will suffer irreparable injury, harm, and damage should it be delayed in taking possession of the Vehicle and foreclosing its security interest therein.

10. AmeriCredit requests that Bankruptcy Rule 4001(a)(3) not apply to any Order granting this Motion.

WHEREFORE, AmeriCredit Financial Services, Inc., d/b/a GM Financial respectfully requests that this Court enter an Order, as attached hereto, modifying the automatic stay and co-debtor stay provided by Sections 362 and 1301 of the Bankruptcy Code to permit AmeriCredit to take immediate possession of and foreclose its security interest in the 2017 Chevrolet Impala motor vehicle bearing a Vehicle Identification Number of 2G1105S36H9193015; and, for such other, further, and different relief as this Court deems just and proper.

Respectfully submitted,
AMERICREDIT FINANCIAL SERVICES, INC.,
D/B/A GM FINANCIAL,
Creditor,
By: /s/ Cari A. Kauffman
One of its attorneys

David J. Frankel (Ill. #6237097)
Cari A. Kauffman (Ill. #6301778)
Rocio Herrera (Ill. #6303516)
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